

EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Department for Libraries and Archives
Archives and Records Management Division
(Amendment)

725 KAR 1:020. Recording and reproducing public records.

RELATES TO: KRS 61.870, 141.420(3), 171.450(1)(c), 171.600, 171.670

STATUTORY AUTHORITY: KRS 171.450(1)(c), 171.660

NECESSITY, FUNCTION, AND CONFORMITY: KRS 171.450(1)(c) requires the department to establish standards and procedures for recording, managing and preserving public records, and for the reproduction of public records. KRS 171.660 requires that [a] state and local agencies shall reproduce and preserve public records according to administrative regulations promulgated by the department. KRS 171.420(3) provided that the State Libraries, Archives, and Records Commission~~[State Archives and Records Commission]~~ shall be the final authority for the disposition of all public records in Kentucky. This administrative regulation establishes the standards to be followed for the recording or reproducing of public records.

Section 1. Recording shall be done on paper, microform~~[microfilm]~~, or in a digital format.

Section 2. If the recording is done on paper, it shall be done on thirty-two (32) weight, 100 percent linen paper~~[or its equivalent in accordance with specifications established by the National Institute of Standards and Technology]~~.

Section 3. If the recording is done on microfilm, microfiche, or some other type of microform, the agency shall follow the standards and procedures in Microfilming and Digital Imaging of Public Records: A Procedural Guide.

Section 4. If the recording is in a digital format or reformatted to a digital image, the agency shall follow the standards in Microfilming and Digital Imaging of Public Records: A Procedural Guide, Policy Memorandum on the Storage of Public Records as Scanned Images, and Ensuring ~~[the]~~ Long-term Accessibility and Usability of Textual Records Stored as Digital Images: Guidelines for State and Local Government Officials.

Section 5. (1) A state or local agency shall not destroy any original records after the records are microfilmed, digitized, duplicated, or reformatted without written approval of the State Archivist~~[and Records Administrator]~~ as established in 725 KAR 1:030.

(2) A state or local agency shall follow the retention and disposition schedules established by the State Libraries, Archives, and Records Commission~~[State Archives and Records Commission]~~ in 725 KAR 1:061.

Section 6. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Microfilming and Digital Imaging of Public Records: A Procedural Guide", January 2010;
- (b) "Policy Memorandum on the Storage of Public Records as Scanned Images, PM 2010-01", January 2010; and
- (c) "Ensuring ~~[the]~~ Long-term Accessibility and Usability of Textual Records Stored as Digital Images: Guidelines for State and Local Government Officials", January 2010.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Archives and Records Management Division~~[Public Records Division]~~, Kentucky Department for Libraries and Archives, 300 Coffee Tree Road, Frankfort, Kentucky 40601, Monday through Friday, 9:00 a.m.~~[8 a.m.]~~ to 4:00 p.m.~~[4:30 p.m.]~~

TERRY MANUEL, Commissioner

APPROVED BY AGENCY: July 2, 2021

FILED WITH LRC: July 6, 2021 at 11:30 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 21, 2021, at 10:00 a.m. Eastern Time at the Kentucky Department for Libraries and Archives, 300 Coffee Tree Road, Frankfort, Kentucky 40601, Commission Room. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Terry Manuel, Commissioner, Kentucky Department for Libraries and Archives, 300 Coffee Tree Road, Frankfort, Kentucky 40601. phone 502-564-8303. fax 502-564-5773. email Terry.Manuel@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Terry Manuel

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the standards to be followed for the recording or reproducing public records.

(b) The necessity of this administrative regulation: KRS 171.450(1)(c) requires the department to establish standards and procedures for recording, managing and preserving public records, and for the reproduction of public records. KRS 171.660 requires that a state and local agencies shall reproduce and preserve public records according to administrative regulations promulgated by the department. KRS 171.420(3) provided that the State Libraries, Archives, and Records Commission shall be the final authority for the disposition of all public records in Kentucky.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 171.450(1)(c) requires the department to establish standards and procedures for recording, managing and preserving public records, and for the reproduction of public records. KRS 171.660 requires that a state and local agencies shall reproduce and preserve public records according to administrative regulations promulgated by the department. KRS 171.420(3) provided that the State Libraries, Archives, and Records Commission shall be the final authority for the disposition of all public records in Kentucky. This administrative regulation establishes the standards to be followed for the recording or reproducing public records.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes the standards to be followed for the recording or reproducing public records.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment updates agency names, document titles, and retention decisions.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to ensure the regulation is current and up-to-date.

(c) How the amendment conforms to the content of the authorizing statutes: The statute requires the department to establish standards and procedures for recording, managing, and preserving public records and for the reproduction of public records by photographic or microphotographic process.

(d) How the amendment will assist in the effective administration of the statutes: The amendment of this regulation will ensure that agencies have the most complete information in carrying out their records management programs.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All state and local government agencies must follow this regulation, as all have a responsibility to implement ongoing records management programs.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: There will be no new responsibilities added to those already existing for public agencies under this regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no new costs added to those already existing for public agencies under this regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Agencies who comply with this regulation will ensure that permanently valuable records are preserved, protected, and accessible.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no costs for agencies to implement this regulation. This regulation

(b) On a continuing basis: Same as (5)(a) above.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The activities involved in this regulation are already undertaken by public agencies.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No required increase is projected.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This regulation does not establish or increase, directly or indirectly, any fees.

(9) TIERING: Is tiering applied? Tiering is not applied because this regulation applies uniformly to all public agencies.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? All state

and local government entities are required to appoint the records officers whose duties are enumerated in this regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 171.450(1)(c) requires the department to establish standards and procedures for recording, managing and preserving public records, and for the reproduction of public records. KRS 171.660 requires that a state and local agencies shall reproduce and preserve public records according to administrative regulations promulgated by the department. KRS 171.420(3) provided that the State Libraries, Archives, and Records Commission shall be the final authority for the disposition of all public records in Kentucky. This administrative regulation establishes the standards to be followed for the recording or reproducing public records.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. There will be no net effect on agencies' expenditures and revenues. Continued good records management results in cost savings for government and a more efficient operation of government.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? There will be no additional revenues generated for the first year because of this regulation.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? There will be no additional revenues generated for subsequent years because of this regulation.

(c) How much will it cost to administer this program for the first year? There will be no additional costs generated for the first year because of this regulation.

(d) How much will it cost to administer this program for subsequent years? There will be no additional costs generated for subsequent years because of this regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): \$0.00

Expenditures (+/-): \$0.00

Other Explanation: N/A